

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WILLIAM GALICIA, on behalf of himself and
all other similarly situated,

Plaintiff,

-against-

ICE CREAM HOUSE ON BEDFORD AVE
LLC; ICE CREAM HOUSE, LLC; ICE
CREAM HOUSE ON AVE M LLC; ICE
CREAM HOUSE ON 36TH STREET LLC;
REAL KOSHER ICE CREAM INC.; DANIEL
KLEIN; DAVID KLEIN; and AVIGDOR
KLEIN,

Defendants.

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AMON, United States District Judge:

NOT FOR PUBLICATION
MEMORANDUM & ORDER
16-CV-6738 (CBA) (PK)

On December 6, 2016, Plaintiff William Galicia commenced this action alleging violations of the Fair Labor Standards Act. The action was commenced as a proposed class and collective action. Numerous additional plaintiffs have opted in throughout the course of the litigation. On February 8, 2021, the parties submitted a joint motion to dismiss opt-in plaintiff Md. Abdullah All Wadud. Wadud “advised [counsel] that he only worked for the Defendants for a period of a few weeks, that he no longer wishes to participate in this litigation, and that he has no expectation of receiving any type of settlement payment of any kind.” (ECF Docket Entry # 126.) I referred the motion to the Honorable Peggy Kuo, United States Magistrate Judge, for report and recommendation (“R&R”). On March 10, 2021, Judge Kuo submitted an R&R recommending that I grant the motion to dismiss.

No party has objected to the R&R, and the time for doing so has passed. See 28 U.S.C. § 636(b)(1)(C). When deciding whether to adopt an R&R, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). To accept those portions of the R&R to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks and citation omitted). I have carefully considered the record and the R&R. Finding no error, I adopt Judge Kuo’s recommendation. The motion to withdraw opt-in plaintiff Md. Abdullah All Wadud is granted. Md. Abdullah All Wadud is dismissed from this case.

SO ORDERED.

Dated: March 26, 2021
Brooklyn, New York

/s/ Carol Bagley Amon
Carol Bagley Amon
United States District Judge